

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

In Re:

WORLD TRADE BUSINESS
ASSOCIATIONS, INC.,

ORDER TO SHOW CAUSE
13-CV-999-A

Chapter 11 debtor-in-possession World Trade Business Associations, Inc., appeals an Order of the Bankruptcy Court for the Western District of New York, entered June 26, 2013, by Bankruptcy Judge Michael J. Kaplan, No. 12-11797. The Order denied Appellant's motion pursuant to 11 U.S.C. § 365(a) and (b) to assume a lease of nonresidential premises, and granted a cross-motion for immediate surrender of the lease and leased premises to the lessee pursuant to § 365(d)(4), for "reasons stated on the record at the hearing on April 10, 2013 and June 19, 2013." Dkt. No. 1-1, p. 4.

In a miscellaneous proceeding at 13-Misc.-44-A filed to obtain a stay pending resolution of this appeal pursuant to Fed. R. Bankr. P. 8005, the Court today denied a stay. The Decision and Order denying the stay refers to deficiencies in the record on appeal, including Appellant's failure to provide to the Court transcripts of critical oral statements of reasons for the rulings of the Bankruptcy Court that are under appeal as required by Fed. R. Bankr. P. 8006.

Appellant World Trade Business Associations, Inc., shall show cause on or before December 16, 2013 why this appeal should not be dismissed pursuant to Fed. R. Bankr. P. 8001(a) and L. R. Civ. P. 76 because debtor has not met its duty

under Rule 8006 to compile an adequate record on appeal. Appellee BG ODP Tonawanda, LLC, shall respond to Appellant's filing on or before December 20, 2013.

The Court will consider the interests of justice to all parties, including secured and unsecured creditors, implicated by dismissal of the bankruptcy appeal on procedural grounds, rather than to continue to the merits of the appeal. The Court will consider whether a lesser sanction would be appropriate. The Court will also take into consideration whether appellant's conduct evinces bad faith or a pattern of negligence; whether other parties were prejudiced by the conduct; whether Appellant should be granted the opportunity to rectify the deficiencies in the record on appeal; and will take into consideration Appellant's failure to file a reply in support of its appeal when it was ordered by this Court to do so.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: December 9, 2013